

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10486

Jalbert Leasing, Inc., et al

v.

Massachusetts Port Authority

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I copies of original electronic documents are the pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/13/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on June 16, 2005.

Sarah A. Thornton, Clerk of Court

By: *Jeanette Ramos*
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 6/16/05.

D. Barchard

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10486-MBB**

Jalbert Leasing, Inc. et al v. Massachusetts
Port Authority

Assigned to: Magistrate Judge Marianne B.
Bowler

Cause: 28:1331 Fed. Question: Interstate
Commerce Act

Date Filed: 03/10/2004

Jury Demand: None

Nature of Suit: 450

Commerce ICC Rates, Etc.

Jurisdiction: Federal Question

Plaintiff

Jalbert Leasing, Inc.
doing business as
C&J Trailways

represented by **Jeremy Kahn**
Kahn & Kahn
1730 Rhode Island Ave,
N.W.
Suite 810
Washington, DC 20036
202-887-0037
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Wesley S. Chused
Looney & Grossman LLP
9th Floor
101 Arch Street
Boston, MA 02110
617-951-2800
Fax: 617-951-2819
Email: wchused@lgllp.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Plaintiff

Bonanza Acquisition, LLC represented by **Jeremy Kahn**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Wesley S. Chused
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Plaintiff

Concord Coach Lines, Inc. represented by **Jeremy Kahn**
doing business as
Concord Trailways
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Wesley S. Chused
Looney & Grossman LLP
101 Arch Street
Boston, MA 02110
617-951-2800
Fax: 617-951-2819
Email: wchused@lgllp.com
ATTORNEY TO BE
NOTICED

Plaintiff

Dartmouth Transportation Company, Inc. represented by **Jeremy Kahn**
doing business as
Dartmouth Coach
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Wesley S. Chused
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

V.

Defendant

Massachusetts Port Authority

represented by **Roscoe Trimmier, Jr.**
Ropes & Gray LLP
One International Place
Boston, MA 02110
617-951-7521
Fax: 617-951-7050
Email:
rtrimmier@ropesgray.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
03/10/2004	(1) c	COMPLAINT For Declaratory and Injunctive Relief against Massachusetts Port Authority Filing fee: \$ 150, receipt number 54436, filed by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc..(Bell, Marie) (Entered: 03/12/2004)
03/10/2004	(2)	Summons Issued as to Massachusetts Port Authority. (Bell, Marie) (Entered: 03/12/2004)
03/10/2004	(3)	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Bell, Marie) (Entered: 03/12/2004)

03/10/2004	•2	CORPORATE DISCLOSURE STATEMENT by Jalbert Leasing, Inc.. (Bell, Marie) (Entered: 03/12/2004)
03/10/2004	•3	CORPORATE DISCLOSURE STATEMENT by Bonanza Acquisition, LLC. (Bell, Marie) (Entered: 03/12/2004)
03/10/2004	•4	CORPORATE DISCLOSURE STATEMENT by Concord Coach Lines, Inc.. (Bell, Marie) (Entered: 03/12/2004)
03/10/2004	•5	CORPORATE DISCLOSURE STATEMENT by Dartmouth Transportation Company, Inc.. (Bell, Marie) (Entered: 03/12/2004)
03/10/2004	•6	MOTION for Leave to Appear Pro Hac Vice by Jeremy Kahn Filing fee \$ 50.00, receipt number 54436. by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc..(Bell, Marie) (Entered: 03/12/2004)
03/10/2004	•7	Certificate of Good Standing by Jeremy Kahn re 6 MOTION for Leave to Appear Pro Hac Vice by Jeremy Kahn Filing fee \$ 50.00, receipt number 54436.. (Bell, Marie) (Entered: 03/12/2004)
03/16/2004	•8	SUMMONS Returned Executed Massachusetts Port Authority served on 3/11/2004, answer due 3/31/2004. (Chused, Wesley) (Entered: 03/16/2004)
03/16/2004	•	Judge Reginald C. Lindsay : ELECTRONIC ORDER entered granting 6 Motion for Leave to Appear Pro Hac Vice Added Jeremy Kahn for Dartmouth Transportation Company, Inc.; Jalbert Leasing, Inc.; Bonanza Acquisition, LLC and Concord Coach Lines, Inc. cc/cl. (Tebo, Susan) (Entered: 03/16/2004)
03/29/2004	•9	JOINT MOTION for Extension of Time to 10 days after decision on contemplated cross-motions for

		summary judgment to File Answer re <u>1</u> Complaint, and MOTION for a briefing schedule filed by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc., Massachusetts Port Authority. (Attachments: # <u>1</u> Certificate of Service)(Tebo, Susan) (Entered: 03/31/2004)
03/31/2004	•	Judge Reginald C. Lindsay : ORDER entered ELECTRONIC ENDORSEMENT GRANTING re <u>9</u> MOTION for Extension of Time to 10 days after decision on contemplated cross-motions for summary judgment to File Answer re <u>1</u> Complaint, MOTION for a briefing schedule filed by Massachusetts Port Authority, Jalbert Leasing, Inc., Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc. cc/cl.(Tebo, Susan) (Entered: 03/31/2004)
03/31/2004	•	Set/Reset Deadlines: Summary Judgment Motions due by 4/1/2004; Opposition to Motion for Summary Judgment and Cross-Motion for Summary Judgment due 30 days after Motion filed. Plaintiff's Opposition to Cross-Motion due 20 days after Cross-Motion filed. (Tebo, Susan) (Entered: 03/31/2004)
04/01/2004	• <u>10</u>	MOTION for Summary Judgment <i>of the Plaintiffs</i> by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc..(Chused, Wesley) (Entered: 04/01/2004)
04/01/2004	• <u>11</u>	MEMORANDUM OF LAW by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc. to <u>10</u> MOTION for Summary Judgment <i>of the Plaintiffs</i> . (Chused, Wesley) (Entered: 04/01/2004)
04/01/2004	• <u>12</u>	AFFIDAVIT in Support re <u>10</u> MOTION for Summary Judgment <i>of the Plaintiffs</i> <i>Affidavit of Harry Blunt with Exhibits Parts 1 and 2.</i> (Attachments: # <u>1</u> Exhibit

		Part #1 to Blunt Affidavit# <u>2</u> Exhibit Part #2 to Blunt Affidavit)(Chused, Wesley) (Entered: 04/01/2004)
04/01/2004	•13	AFFIDAVIT in Support re <u>10</u> MOTION for Summary Judgment <i>of the Plaintiffs Affidavit of James Jalbert with Exhibits Parts 1 and 2.</i> (Attachments: # <u>1</u> Exhibit Part #1 to Jalbert Affidavit# <u>2</u> Exhibit Part #2 to Jalbert Affidavit)(Chused, Wesley) (Entered: 04/01/2004)
04/01/2004	•14	AFFIDAVIT in Support re <u>10</u> MOTION for Summary Judgment <i>of the Plaintiffs Affidavit of Donald Ross with Exhibits Parts 1 and 2.</i> (Attachments: # <u>1</u> Exhibit Part #1 to Ross Affidavit# <u>2</u> Exhibit Part #2 to Ross Affidavit)(Chused, Wesley) (Entered: 04/01/2004)
04/30/2004	•15	Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment</i> by Massachusetts Port Authority.(Trimmier, Roscoe) (Entered: 04/30/2004)
04/30/2004	•16	DECLARATION re <u>15</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment</i> by Massachusetts Port Authority. (Trimmier, Roscoe) (Entered: 04/30/2004)
04/30/2004	•17	MEMORANDUM OF LAW by Massachusetts Port Authority to <u>15</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment.</i> (Trimmier, Roscoe) (Entered: 04/30/2004)
05/04/2004	•18	Judge Reginald C. Lindsay : ORDER OF RECUSAL entered (Losco, Marie) (Entered: 05/04/2004)
05/06/2004	•19	Notice of Reassignment. Judge Mark L. Wolf added. Judge Reginald C. Lindsay no longer assigned to case. (Stanhope, Don) (Entered: 05/06/2004)
05/19/2004	•20	Opposition re <u>15</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for</i>

		<i>Summary Judgment</i> filed by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc.. (Chused, Wesley) (Entered: 05/19/2004)
06/16/2004	•21	Judge Mark L. Wolf : ORDER entered. The parties are being ordered to inform the court by July 7, 2004 whether they consent to a transfer of this case to Magistrate Judge for all purposes. (Attachments: # 1) (O'Leary, Dennis) (Entered: 06/16/2004)
06/17/2004	•22	CONSENT to Jurisdiction by US Magistrate Judge by Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc., Jalbert Leasing, Inc... (Chused, Wesley) (Entered: 06/17/2004)
06/24/2004	•23	CONSENT to Jurisdiction by US Magistrate Judge by Massachusetts Port Authority.. (Trimmier, Roscoe) (Entered: 06/24/2004)
06/28/2004	•24	Case Reassigned to Judge Nathaniel M. Gorton. Judge Mark L. Wolf no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Boyce, Kathy) (Entered: 06/28/2004)
07/26/2004	•25	Judge Nathaniel M. Gorton : ORDER entered REFERRING CASE to Magistrate Judge Marianne B. Bowler Referred for: R & R on summary judgment motions(Nicewicz, Craig) (Entered: 07/26/2004)
08/04/2004	•26	NOTICE of Hearing on Motion 10 MOTION for Summary Judgment of the Plaintiffs, 15 Cross MOTION for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment: Motion Hearing set for 9/13/2004 10:45 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 08/04/2004)
09/13/2004	•	Electronic Clerk's Notes for proceedings held before

		Judge Marianne B. Bowler : Motion Hearing held on 9/13/2004 re <u>15</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motion for Summary Judgment</i> filed by Massachusetts Port Authority, <u>10</u> MOTION for Summary Judgment <i>of the Plaintiffs</i> filed by Jalbert Leasing, Inc., Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc.; Wesley Chused and Jeremy Kahn for the plaintiffs; Roscoe Trimmier for the defendants; The court hears argument on both motions and takes the matter under advisement. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 09/13/2004)
09/14/2004	•	Judge Nathaniel M. Gorton : ORDER entered ORDER REASSIGNING CASE. Case reassigned to Judge Marianne B. Bowler for all further proceedings. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing.(Barrette, Mark) (Entered: 09/14/2004)
02/07/2005	•27	Letter from Jeremy Kahn. (Stanhope, Don) (Entered: 02/09/2005)
05/18/2005	•28	Judge Marianne B. Bowler: Electronic ORDER entered. MEMORANDUM AND ORDER RE: Plaintiff's Motion for Summary Judgment <u>10</u> is DENIED; Defendant's Cross-Motion for Summary Judgment <u>15</u> is ALLOWED. (Feeney, Eileen) (Entered: 05/18/2005)
06/13/2005	•29	NOTICE OF APPEAL as to <u>28</u> Order on Motion for Summary Judgment, by Jalbert Leasing, Inc., Bonanza Acquisition, LLC, Concord Coach Lines, Inc., Dartmouth Transportation Company, Inc.. § 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm

	MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/5/2005. (Chused, Wesley) (Entered: 06/13/2005)
--	--